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Paper No.

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DEC 23 2004

In re Application of :
Duke W. Goss :
Application No. 10/635,085 :
Filed: August 5, 2003 :
Attorney Docket No. Goss "F" :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the Petition for Filing Date, filed October 25, 2004, requesting the above-identified application be accorded a filing date of August 5, 2003, including 15 sheets of drawings.

The application was filed on August 5, 2003. On October 14, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice") stating that the application had not been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition wherein Applicant avers that 15 sheets of drawings were originally filed with the application on August 5, 2003, and were received by this Office as evidenced by the return-receipt postcard. In support of this assertion, Applicant provides a copy of a return-receipt postcard acknowledging receipt of, inter alia, 15 sheets of drawings in the above-identified application by this Office on August 5, 2003.

A review of the return-receipt postcard reveals that Applicant is correct. The postcard acknowledges receipt of, inter alia, 15 sheets of drawings in the above-identified application by this Office on August 5, 2003.

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted.

The copy of 15 sheets of drawings, filed with the instant petition on October 25, 2004, will be used for examination purposes.

A refund of the petition fee has been credited to deposit account 02-0915, as requested in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of August 5, 2003, and an indication that 15 sheets of drawings were present on filing, using the 15 sheets of drawings filed with the instant petition on October 25, 2004.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

A handwritten signature in cursive script, appearing to read "Derek L. Woods".

Derek L. Woods
Attorney/Advisor
Office of Petitions